

Appl. No. 10/561,755
Amtd. dated November 10, 2009

Reply to Office Action of August 10, 2009
Attorney Docket 18213

REMARKS

Claims 6-12 are currently pending for examination. Claims 6, 7, 9 and 10 were amended and claim 13 was added. Applicants submit that no new matter is added by this amendment. Favorable reconsideration and allowance of this application is requested.

Claim Objections

Claims 6 and 7 were objected to for informalities. Claim 6 has been amended to add the element "a frame" and to correct the typographical errors that resulted in incorrect articles. In claim 7 "of" has been replaced by —on— in line 7, and "can slide" has been replaced with —being slidable—. Removal of this objection therefore requested.

Rejection of Claims under 35 U.S.C. §102

Claims 6, 7, 9 and 12 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. RE35,432 to Labounty. This rejection is respectfully traversed.

Labounty does not show a third component rotatable with respect to the pin and the first and second boom components or that is configured to selectively apply a force thereto. In Labounty, the head of the removable pivot pin 24 has a radially projecting key 60 projecting and retained by a keyway 61 on a frame plate which retains the pin 24 against rotation relative to the frame plate (column 6, 20-26.) No external force is applied to the pin diameter located within a bearing tube and having a smaller diameter than the bearing tube. In joints of construction machines this configuration permits a high strength connection for receiving forces from the booms while permitting greater travel by having a smaller pin for moving the bearing. Removal of this rejection is therefore requested.

Claims 7-13 depend from claim 6 and should now be allowable for at least the same reasons as claim 6.

Claim 9 is further patentable as Labounty does not show the first boom component supporting the second boom component such that movement of the first

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boom causes movement of the second boom. The reference also does not show a connection have multiple cylinders for rotating the second boom with respect to the first boom and pin by movement of either of the two cylinders.

Rejections under 35 U.S.C. §103

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Labounty in view of English reference GB-1,559,137 to Valori.

Claim 10 should be separately patentable as Valori shows a cylinder configured for applying a linear force to the end of a shaft of common diameter extending through and connecting two shear blades. It does not appear to show bearing having a pin within a bearing tube, first, second and third components that are all rotatable with respect to one another. The pin of Valori appears to have forces acting on it in opposing directions that would oppose rotation of the shaft. In Valori the bearing point is also not able to undergo any translation or rotational motion.

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Labounty in view of US Patent 6,385,872 to Mieger.

As noted claims 11 depends from claim 6 and should now be allowable for at least the same reasons as claim 6.

New Claim 13

New Claim 13 specifies that boom components and bearings are used in combination with a wheeled or crawler track excavator. The bearing achieves a high strength bearing connection between the booms of the excavator while allowing a large boom stroke to permit enhanced boom reach. Both cited references relate to shears or jaws that do not have similar requirements nor are obvious applicable art.

Conclusion

Applicants respectfully submit that claims 6-13 define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

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No fee is believed due with this communication. Nevertheless, should the Examiner consider any fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment to Deposit Account No. 14-0780. The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



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